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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TRUSTEES OF THE CONSTRUCTION
INDUSTRY AND LABORERS HEALTH
AND WELFARE TRUST; TRUSTEES OF
THE CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST;
TRUSTEES OF THE CONSTRUCTION
INDUSTRY AND LABORERS VACATION
TRUST; AND TRUSTEES OF THE
SOUTHERN NEVADA LABORERS
LOCAL 872 TRAINING TRUST,

Plaintiffs,

vs.

JR CONCRETE CUTTING, INC., a Nevada
corporation; and EDITH RICHELLE
HERRERA, an individual,

Defendants.

Case No. 2:09-cv-01897-RDJ-RJJ

ORDER

Plaintiffs, Trustees of the Construction Industry and Laborers Health and Welfare Trust,
Trustees of the Construction Industry and Laborers Joint Pension Trust, Trustees of the
Construction Industry and Laborers Vacation Trust, and Trustees of the Southern Nevada
Laborers Local 872 Training Trust (collectively "Trust Funds") hereby respectfully request an

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1 order setting a hearing date regarding the Trust Funds' Motion for Garnishee Judgment pending
2 before this Court against third party garnishee Rosendin Electric, Inc.

3 The Court entered a judgment in favor of the Trust Funds and against Defendants JR
4 Concrete Cutting, Inc. ("JR Concrete") and Edith Richelle Herrera ("Herrera") on January 6,
5 2010, in the amount of \$87,917.91. (ECF No. 5.) On July 16, 2012, the Trust Funds filed a
6 Motion for Garnishee Judgment against Rosendin Electric, Inc. ("Rosendin") (ECF No. 28).¹ The
7 Motion for Garnishee Judgment seeks the full amount garnished of \$56,750 plus interest accruing
8 at \$12.34 since the date the Court signed the Writ of Execution (March 1, 2011).² (ECF No. 14).
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10 Per the Court's Order on January 2, 2013, the Court cannot rule on the Motion for
11 Garnishee Judgment against Rosendin until a hearing on the matter is noticed and heard pursuant
12 to Nevada Revised Statute § 31.320. (ECF No. 32, at 6:9-12). Notice is to be given to each
13 Defendant who has made an appearance in the action and to the garnishee. (*Id.* at 5:23-6:4).³
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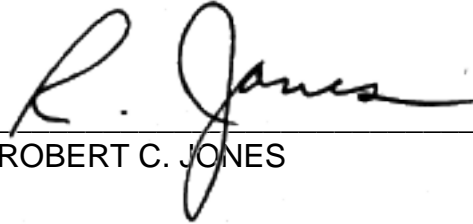
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23 ¹ Rosendin failed to respond to the Trust Funds' garnishment interrogatories within 20 days
as required by statute. (*See* ECF No. 32, at 5:10-11).

24 ² Since March 1, 2011, interest has accrued on the judgment totaling \$8,563.96,
25 calculated at the rate of \$12.43 per day for 694 days. Thus, the total amount of the
26 Garnishee Judgment, as of January 22, 2013, should be \$65,313.96.

27 ³ Defendants JR Concrete and Herrera made no appearance in this action but only signed
28 Stipulated Consent Judgments filed with the Court on September 29, 2009 (ECF No. 1)
and December 11, 2009 (ECF No. 4).

1 For these reasons, the Trust Funds now request such a hearing.

2
3 IT IS HEREBY ORDERED that Motion for Hearing Date (#33) is GRANTED.
4 IT IS FURTHER ORDERED that Oral Argument re: [28] Motion for Garnishee Judgment
5 Against Rosendin Electric, Inc. is set for Wednesday, June 19, 2013 @ 1:30PM in LAS
6 VEGAS Courtroom 4B, before Chief Judge Robert C. Jones.
7 IT IS SO ORDERED this 10th day of April, 2013.

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10 ROBERT C. JONES
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